

STATE OF MINNESOTA
IN SUPREME COURT

C9-85-1134
CX-89-1863

PROMULGATION OF AMENDMENT TO
GENERAL RULES OF PRACTICE, RULES
OF FAMILY COURT, FORM 3, APPENDIX A

ORDER

WHEREAS, 1993 Minn.Sess.L., Chapter 322, Sec. 16, requires that every court order for judgment and decree that provides for child support, spousal maintenance, custody, or visitation must contain the attached notice, and

WHEREAS, 1993 Minn.Sess.L., Chapter 322, Sec. 13 amended the notice to be given concerning capital gains on the sale of a principal residence,

NOW, THEREFORE, IT IS HEREBY ORDERED:

The attached Form 3, Appendix A, is hereby adopted, prescribed and promulgated for use in family law matters, effective August 1, 1993.

DATED: July 26, 1993

BY THE COURT:



A.M. Keith
Chief Justice

OFFICE OF
APPELLATE COURTS

JUL 26 1993

FILED

FORM 3. APPENDIX A

NOTICE IS HEREBY GIVEN TO THE PARTIES:

I. PAYMENTS TO PUBLIC AGENCY. PURSUANT TO MINNESOTA STATUTES, SECTION 518.551, SUBDIVISION 1, PAYMENTS ORDERED FOR MAINTENANCE AND SUPPORT MUST BE PAID TO THE PUBLIC AGENCY RESPONSIBLE FOR CHILD SUPPORT ENFORCEMENT AS LONG AS THE PERSON ENTITLED TO RECEIVE THE PAYMENTS IS RECEIVING OR HAS APPLIED FOR PUBLIC ASSISTANCE OR HAS APPLIED FOR SUPPORT AND MAINTENANCE COLLECTION SERVICES. MAIL PAYMENTS TO: _____ (public authority) AT _____ (address) _____.

II. DEPRIVING ANOTHER OF CUSTODIAL OR PARENTAL RIGHTS – A FELONY. A PERSON MAY BE CHARGED WITH A FELONY WHO CONCEALS A MINOR CHILD OR TAKES, OBTAINS, RETAINS, OR FAILS TO RETURN A MINOR CHILD FROM OR TO THE CHILD'S PARENT (OR PERSON WITH CUSTODIAL OR VISITATION RIGHTS), PURSUANT TO MINNESOTA STATUTES, SECTION 609.26. A COPY OF THAT SECTION IS AVAILABLE FROM ANY COURT ADMINISTRATOR.

III. RULES OF SUPPORT, MAINTENANCE, VISITATION.

- A. Payment of support or spousal maintenance is to be as ordered, and the giving of gifts or making purchases of food, clothing, and the like will not fulfill the obligation.
- B. Payment of support must be made as it becomes due, and failure to secure or denial of rights of visitation is NOT an excuse for nonpayment, but the aggrieved party must seek relief through a proper motion filed with the court.
- C. The payment of support or spousal maintenance takes priority over payment of debts and other obligations.
- D. A party who remarries after dissolution and accepts additional obligations of support does so with the full knowledge of the party's prior obligation under this proceeding.
- E. Child support or maintenance is based on annual income, and it is the responsibility of a person with seasonal employment to budget income so that payments are made throughout the year as ordered.

IV. PARENTAL RIGHTS FROM MINNESOTA STATUTES, SECTION 518.17, SUBDIVISION 3. UNLESS OTHERWISE PROVIDED BY THE COURT:

- A. Each party has the right of access to, and to receive copies of, school, medical, dental, religious training, and other important records and information about the minor children. Each party has the right of access to information regarding health or dental insurance available to the minor children. Presentation of a copy of this order to the custodian of a record or other information about the minor children constitutes sufficient authorization for the release of the record or information to the requesting party.
- B. Each party shall keep the other informed as to the name and address of the school of attendance of the minor children. Each party has the right to be informed by school officials about the children's welfare, educational progress and status, and to attend school and parent teacher conferences. The school is not required to hold a separate conference for each party.
- C. In case of an accident or serious illness of a minor child, each party shall notify the other party of the accident or illness, and the name of the health care provider and the place of treatment.
- D. Each party has the right of reasonable access and telephone contact with the minor children.

V. WAGE AND INCOME DEDUCTION OF SUPPORT AND MAINTENANCE. CHILD SUPPORT AND / OR SPOUSAL MAINTENANCE MAY BE WITHHELD FROM INCOME, WITH OR WITHOUT NOTICE TO THE PERSON OBLIGATED TO PAY, WHEN THE CONDITIONS OF MINNESOTA STATUTES, SECTIONS 518.611 AND 518.613, HAVE BEEN MET. A COPY OF THOSE SECTIONS IS AVAILABLE FROM ANY COURT ADMINISTRATOR.

VI. CHANGE OF ADDRESS OR RESIDENCE. UNLESS OTHERWISE ORDERED, THE PERSON RESPONSIBLE TO MAKE SUPPORT OR MAINTENANCE PAYMENTS SHALL NOTIFY THE PERSON ENTITLED TO RECEIVE THE PAYMENT AND THE PUBLIC AUTHORITY RESPONSIBLE FOR COLLECTION, IF APPLICABLE, OF A CHANGE OF ADDRESS OR RESIDENCE WITHIN 60 DAYS OF THE ADDRESS OR RESIDENCE CHANGE.

VII. COST OF LIVING INCREASE OF SUPPORT AND MAINTENANCE. CHILD SUPPORT AND / OR SPOUSAL MAINTENANCE MAY BE ADJUSTED EVERY TWO YEARS BASED UPON A CHANGE IN THE COST OF LIVING (USING THE U.S. DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS, CONSUMER PRICE INDEX MPLS. ST. PAUL, FOR ALL URBAN CONSUMERS (CPI-U), UNLESS OTHERWISE SPECIFIED IN THIS ORDER) WHEN THE CONDITIONS OF MINNESOTA STATUTES, SECTION 518.641, ARE MET. COST OF LIVING INCREASES ARE COMPOUNDED. A COPY OF MINNESOTA STATUTES, SECTION 518.641, AND FORMS NECESSARY TO REQUEST OR CONTEST A COST OF LIVING INCREASE ARE AVAILABLE FROM ANY COURT ADMINISTRATOR.

VIII. JUDGMENTS FOR UNPAID SUPPORT. IF A PERSON FAILS TO MAKE A CHILD SUPPORT PAYMENT, THE PAYMENT OWED BECOMES A JUDGMENT AGAINST THE PERSON RESPONSIBLE TO MAKE THE PAYMENT BY OPERATION OF LAW ON OR AFTER THE DATE THE PAYMENT IS DUE, AND THE PERSON ENTITLED TO RECEIVE THE PAYMENT OR THE PUBLIC AGENCY MAY OBTAIN ENTRY AND DOCKETING OF THE JUDGMENT WITHOUT NOTICE TO THE PERSON RESPONSIBLE TO MAKE THE PAYMENT UNDER MINNESOTA STATUTES, SECTION 548.091.

IX. JUDGMENTS FOR UNPAID MAINTENANCE. A JUDGMENT FOR UNPAID SPOUSAL MAINTENANCE MAY BE ENTERED WHEN THE CONDITIONS OF MINNESOTA STATUTES, SECTION 548.091, ARE MET. A COPY OF THAT SECTION IS AVAILABLE FROM ANY COURT ADMINISTRATOR.

X. MEDICAL INSURANCE AND EXPENSES. THE PERSON RESPONSIBLE TO PAY SUPPORT AND THE PERSON'S EMPLOYER OR UNION ARE ORDERED TO PROVIDE MEDICAL AND DENTAL INSURANCE AND PAY FOR UNCOVERED EXPENSES UNDER THE CONDITIONS OF MINNESOTA STATUTES, SECTION 518.171, UNLESS OTHERWISE PROVIDED IN THIS ORDER OR THE STATUTE. A COPY OF THIS STATUTE IS AVAILABLE FROM ANY COURT ADMINISTRATOR.

XI. CAPITAL GAIN ON SALE OF PRINCIPAL RESIDENCE. INCOME TAX LAWS REGARDING THE CAPITAL GAIN TAX MAY APPLY TO THE SALE OF THE PARTIES' PRINCIPAL RESIDENCE AND THE PARTIES MAY WISH TO CONSULT WITH AN ATTORNEY OR TAX ADVISOR CONCERNING THE APPLICABLE LAWS. THESE LAWS MAY INCLUDE, BUT ARE NOT LIMITED TO, THE EXCLUSION AVAILABLE ON THE SALE OF A PRINCIPAL RESIDENCE FOR THOSE OVER A CERTAIN AGE UNDER SECTION 121 OF THE INTERNAL REVENUE CODE OF 1986, OR OTHER APPLICABLE LAW.